



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: NAN-2006-3142-WSC
Issue Date: February 28, 2007
Expiration Date: March 28, 2007

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Gordon Terminal Service Co. of NJ, Inc.
2 Hook Road, P.O. Box 143
Bayonne, NJ 07002

ACTIVITY: Dredge with Upland Placement

WATERWAY: Kill Van Kull

LOCATION: City of Bayonne, Hudson County, New Jersey

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the

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permit decision process and bears the same weight as that furnished at a public hearing.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267) (16 U.S.C. 1801 et seq.), requires federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). The Corps of Engineers has made a preliminary determination that site-specific adverse effects are not likely to be substantial. Further coordination with NMFS regarding EFH recommendations is being conducted and will be concluded prior to a final decision on the permit application.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

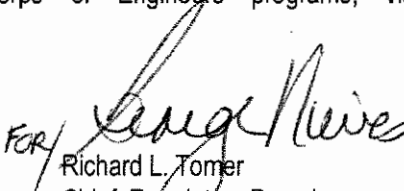
Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New Jersey the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Telephone Number (609) 633-2289. Comments regarding the applicant's certification should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

Waterfront Development Permit from the New Jersey Department of Environmental Protection

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8417 and ask for Steven Schumach.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>


Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Gordon Terminal Service Co. of NJ, Inc., has requested Department of the Army authorization to dredge with upland placement of the dredged material. The location of the dredging is in the Kill Van Kull in the City of Bayonne, Hudson County, New Jersey.

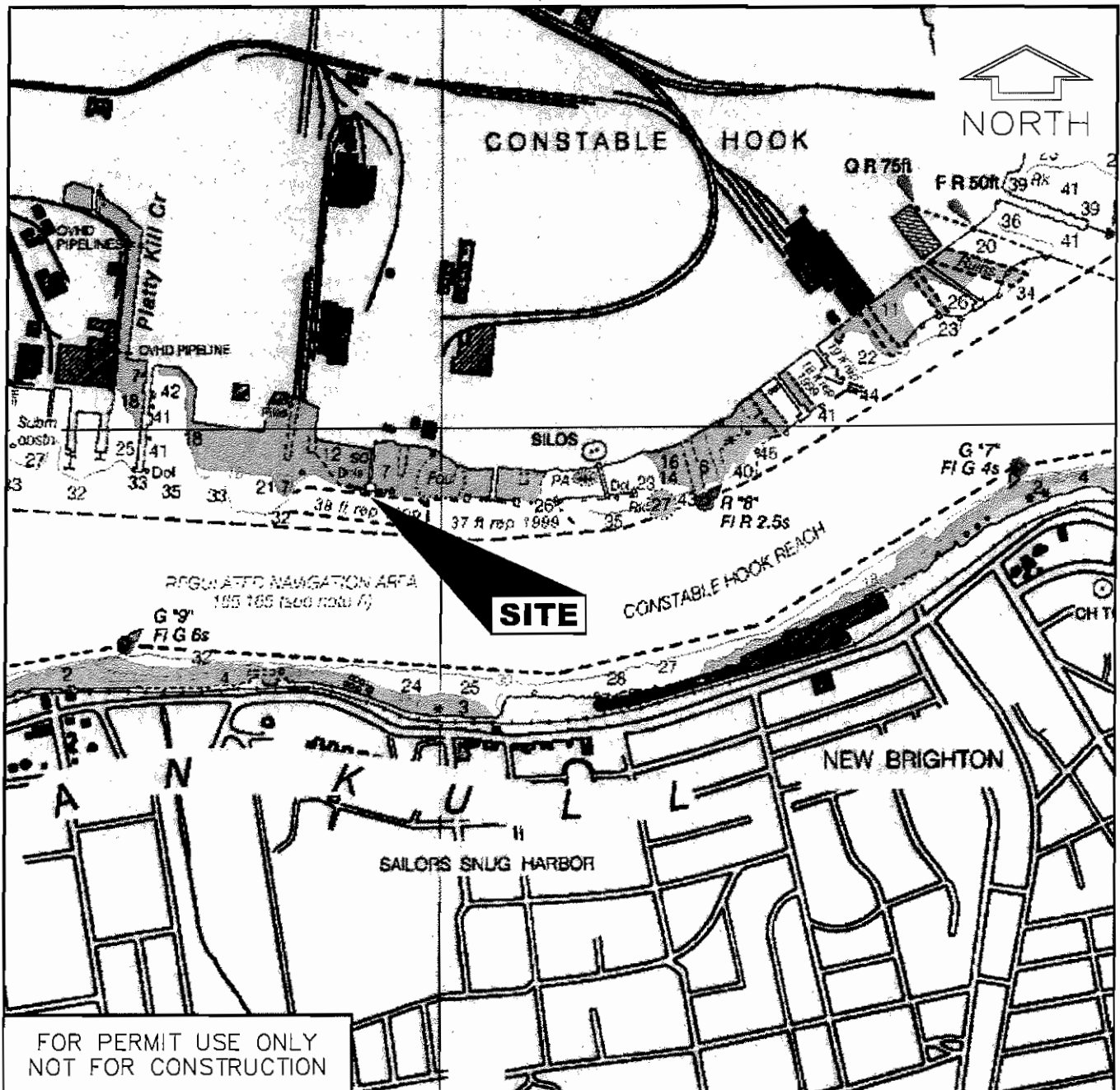
The work would involve dredging a total of approximately 16,629 cubic yards of dredged material from two areas as follows:

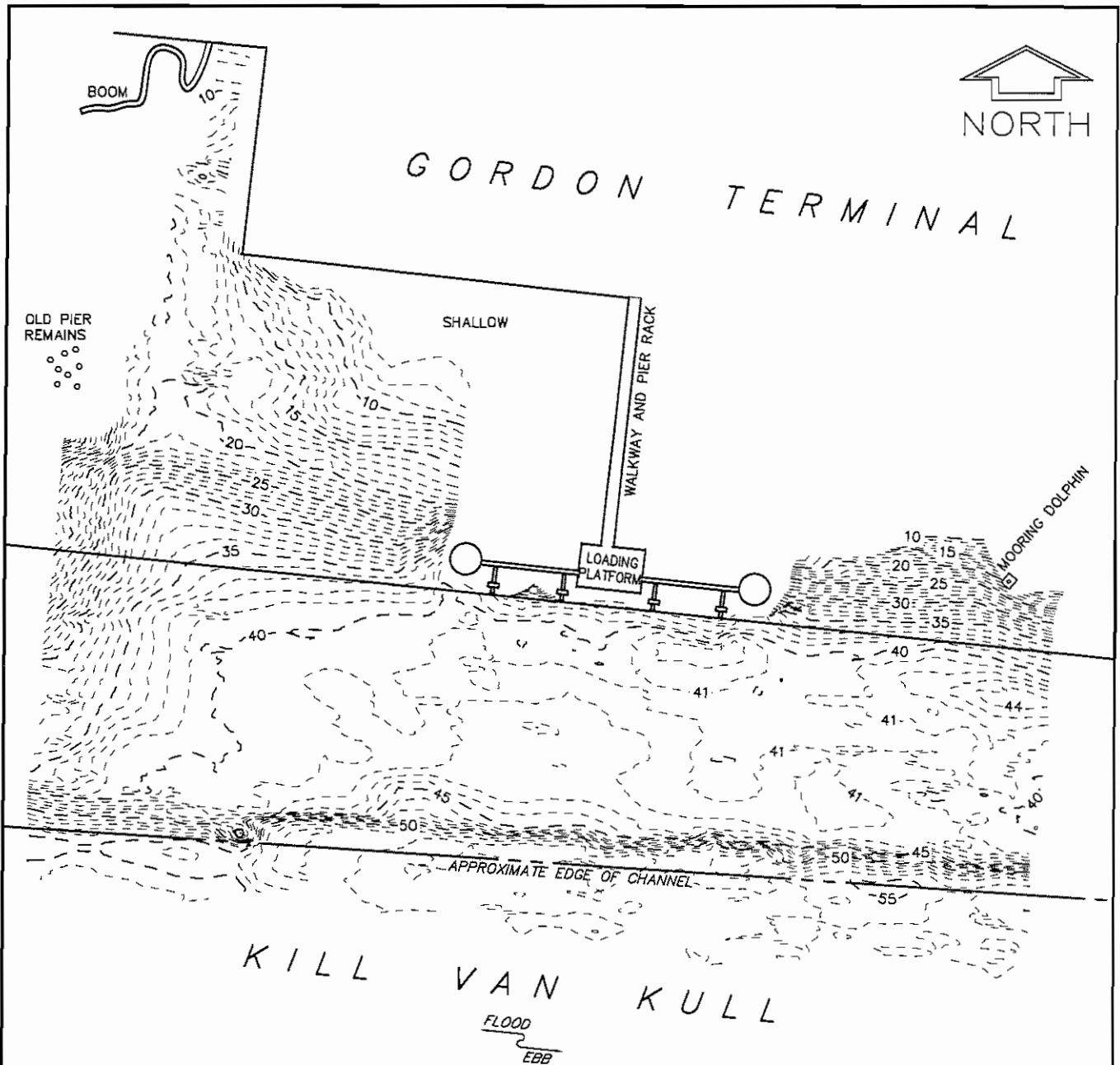
Barge Berth: Dredge approximately 600 cubic yards from an area of approximately 3,000 square feet to a depth of 11 feet below mean low water plus a 2 foot overdepth from an existing barge berth.

Tanker Berth: Dredge approximately 16,029 cubic yards from an area of approximately 153,500 square feet to a depth of 42 feet below mean low water plus a 2 foot overdepth from an existing tanker berth.

The dredging would be conducted utilizing an "environmental" mechanical clamshell bucket. No barge overflow would occur. The dredged material would be placed into a scaled scow and held to allow decant water to be discharged back into the water at the dredging site. The dewatered dredged material would then be transported, rehandled, amended, and then placed at a state approved upland placement site authorized to receive amended dredged material.

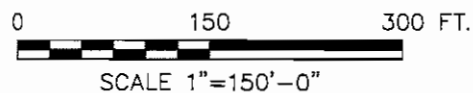
The stated purpose of this project is to provide adequate depth for safe navigation for existing barge and tanker berth facilities.





EXISTING SITE PLAN

FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION



REV. 1 2/8/07

PURPOSE: MAINTENANCE DREDGING

DATUM: MLW

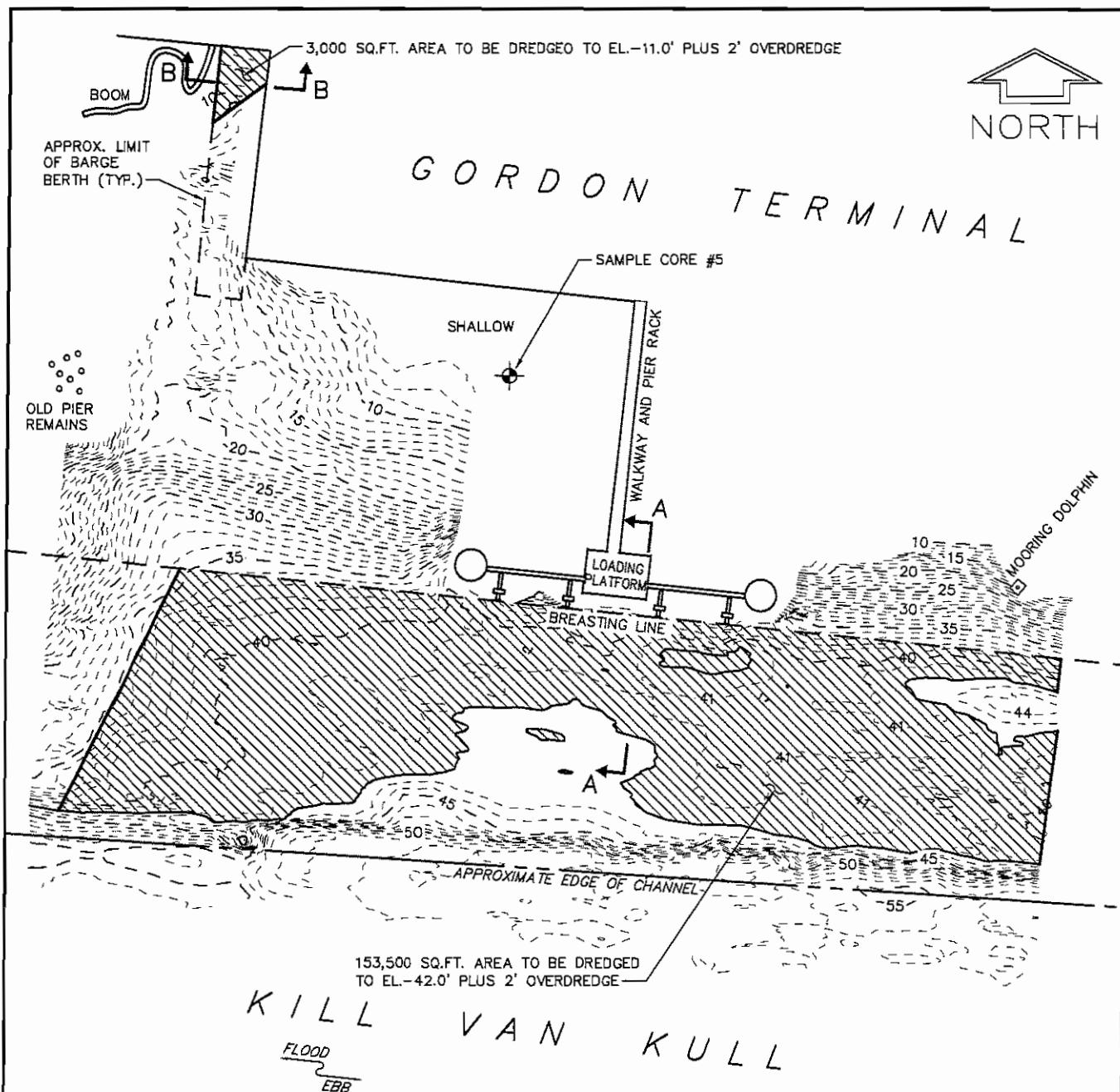
ADJACENT PROPERTY OWNERS:
SEE APPLICATION

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED MAINTENANCE DREDGING
AT BAYONNE TERMINAL
IN KILL VAN KULL WATERWAY
COUNTY OF HUDSON
STATE OF NEW JERSEY
APPLICATION BY: GORDON TERMINAL
SERVICE CO. OF NJ, INC.

DATE: 8/7/06

SHEET 2 OF 5



PROPOSED DREDGING PLAN

FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION

0 150 300 FT.
SCALE 1"=150'-0"

REV. 2 2/8/07

PURPOSE: MAINTENANCE DREDGING

DATUM: MLW

ADJACENT PROPERTY OWNERS:
SEE APPLICATION

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED MAINTENANCE DREDGING
AT BAYONNE TERMINAL
IN KILL VAN KULL WATERWAY
COUNTY OF HUDSON
STATE OF NEW JERSEY
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DATE: 8/7/06

SHEET 3 OF 5

LOADING PLATFORM

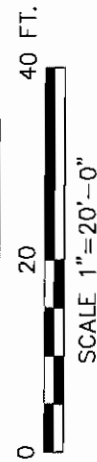
BREASTING LINE

AREA TO BE
DREDGED
TO EL. -42.0'

EXISTING MUDLINE

2 FOOT OVERDREDGE

SECTION A-A



REV. 1 2/8/07

FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION

PURPOSE: MAINTENANCE DREDGING

DATUM: MLW

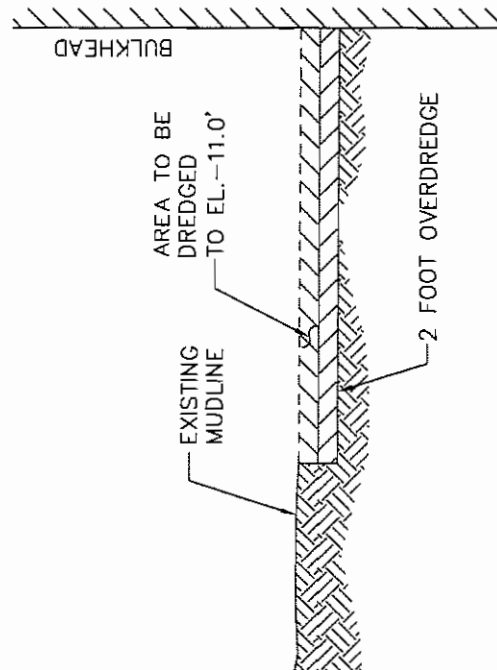
ADJACENT PROPERTY OWNERS:
SEE APPLICATION

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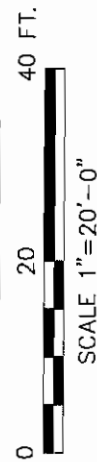
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SHEET 4 OF 5



SECTION B-B



REV. 1 2/8/07

FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION

PURPOSE: MAINTENANCE DREDGING

DATUM: MLW

ADJACENT PROPERTY OWNERS:
SEE APPLICATION

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED MAINTENANCE DREDGING
AT BAYONNE TERMINAL
IN KILL VAN KULL WATERWAY
COUNTY OF HUDSON
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APPLICATION BY: GORDON TERMINAL
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DATE: 8/7/06

SHEET 5 OF 5